

VDF

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CALVIN MOORE,

Plaintiff,

against-

MIGUEL MENDEZ, Individual and Detective in the Police Department of the City of New York, Mr. SCRAMMER, Individually and as Detective in the Police Department of the City of New York, Mr. HUTCHINSON, Individually and as Police Officer in the Police Department of the City of New York, JOHN DOE #1, Individually and as Detective in the Police Department of the City of New York, JANE DOE #2, Individually and as Detective in the Police Department of the City of New York, JOHN DOE #3, Individually and as Police Officer in Police Department of the City of New York,

Defendants.

**STIPULATION AND
ORDER OF
SETTLEMENT AND
DISCONTINUANCE**

03 CV 3925 (ARR) (LB)

IN CLERK'S OFFICE
U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
125 WEST 14TH STREET
NEW YORK, NY 10011
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WHEREAS, plaintiff commenced this action by filing a complaint on August 4, 2003, alleging that defendants violated his constitutional rights; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.
2. The City of New York hereby agrees to pay plaintiff Calvin Moore the sum of ONE HUNDRED FIFTY DOLLARS (\$150.00) in full satisfaction of all claims, including claims for

costs, expenses and attorney fees. In consideration for the payment of this sum, plaintiff agrees to dismissal of all the claims against the individually named defendants Miguel Mendez, Peter Schrammel, Matthew Hutchison and Stephen Rinaldi and to release all defendants, any present or former employees or agents of the City of New York New York City Police Department, and the City of New York from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Plaintiff shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph 2 above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation and settlement shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York

May 1, 2005

Calvin Moore
Plaintiff *pro se*
DIN No. 04-A-1614
Sing Sing Correctional Facility
354 Hunter Street
Ossining, NY 10562

MICHAEL A. CARDOZO
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City of New York
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(212) 788-0869

By:

Calvin Moore
Calvin Moore
Plaintiff *pro se*

By:

Jordan Smith
Jordan M. Smith (JS 7186)
Assistant Corporation Counsel

SUPERIOR ORDERED: / -

5/9/05

U.S.D.J.